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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,865	10/12/2001	Stephen G. Abel	H0002395	9804
128	7590	02/23/2005		
			EXAMINER	
			FAN, CHIEH M	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/975,865	ABEL, STEPHEN G.	
	Examiner	Art Unit	
	Chieh M Fan	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 October 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 19-26 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) 1-18, 27 and 28 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 October 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/01, 03/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-18, 27 and 28 are objected to because of the following informalities:

Regarding claim 1, “the digital input values” in line 6 should be changed to --- the digital input value --- (emphasis added); and “the rate adjusted digital output signal values” in lines 13 and 15 should be changed to --- the rate adjusted digital output signal value ---.

Regarding claim 9, “exceeds a predetermined rate magnitude” in lines 9-10 should be changed to --- exceeds the predetermined rate magnitude ---.

Regarding claim 16, “the acceleration adjustment value” in lines 1-2 should be changed to --- the acceleration value ---. (Or change “an acceleration value” in line 16 of claim 9 to --- an acceleration adjustment value ---.)

Regarding claim 17, “the digital input values” in line 8 should be changed to --- the digital input value --- (emphasis added); and “the rate adjusted digital output signal values” in lines 19 and 21 should be changed to --- the rate adjusted digital output signal value ---.

Regarding claim 18, “a predetermined rate limit value” in lines 8-9 should be changed to --- a predetermined rate limit magnitude --- (emphasis added); “less than the predetermined rate limit value” in lines 11-12 should be changed to --- less than the predetermined rate limit magnitude ---; and “limiting the digital input signal value to the

predetermined rate limit value" in line 13 should be changed to --- limiting the present digital input signal value to a predetermined rate limit value ---.

Regarding claim 27, "the previous digital output signal" in line 3 should be changed to --- a previous digital output signal --- (emphasis added); "a previous digital output signal value" in line 5 should be changed to --- the previous digital output signal value ---; and "fourth comparison means" in line 17 should be changed to --- second comparison means ---.

Regarding claim 28, "the digital input values" in line 7 should be changed to --- the digital input value --- (emphasis added); and "the rate adjusted digital output signal values" in lines 14 and 16 should be changed to --- the rate adjusted digital output signal value ---.

Appropriate correction is required.

Allowable Subject Matter

2. Claims 19-26 are allowed. Claims 1-19, 27 and 28 would be allowable if rewritten to overcome the claim objection set forth in this Office Action.

Claims 1-28 are allowable over the prior art of record because the prior art of record does not teach or suggest "determining a second rate of change of the rate adjusted digital output signal value relative to a previous rate adjusted digital output signal value; and supplying an acceleration adjusted digital output signal value that is (i) equivalent to the rate adjusted digital output signal values when the second rate of

change is less than a predetermined acceleration magnitude and (ii) equivalent to the rate adjusted digital output signal values with an acceleration adjustment value subtracted therefrom when the second rate of change equals or exceeds the predetermined acceleration magnitude" as recited in claim1 (independent claims 9, 17, 18, 19, 27 and 28 recite similar limitation).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lin et al. (U.S. Patent No. 5,119,003), Okamoto (U.S. Patent No. 5,712,874), Kim (U.S. Patent No. 6,195,596).
4. This application is in condition for allowance except for the following formal matters:

Claim objections.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M Fan whose telephone number is (571) 272-

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3042. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM,
Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chieh M. Fan
Primary Examiner
Art Unit 2634

February 17, 2005